

State of New Jersey
Department of Labor and Workforce Development
Board of Review

MEMORANDUM

To: Joseph Sieber, Chairman;
Gerald Yarbrough, Vice Chairman;

FROM: Joan B. Futterman, Acting Board Member
Board of Review

Subject: Minutes of the March 5, 2014
Board of Review Meeting

Date: March 6, 2014

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING. NO DECISION OF THE BOARD OF REVIEW IS FINAL UNTIL IT HAS BEEN MAILED TO THE INTERESTED PARTIES.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, March 5, 2014, at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. **The next regular meeting of the Board of Review is scheduled for Wednesday, March 12, 2014, at 9:00 a.m.** at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Mr. Sieber, Chairman
Mr. Yarbrough, Vice-Chairman
Ms. Futterman, Acting Board Member

2. Following a motion by Mr. Yarbrough and seconded by Mr. Sieber, the minutes of the February 26, 2014 meeting were approved.

3. New Business

(a) 413,431

This matter, presented by Ms. Matos, is whether the claimant was discharged for violation of the employer's rules regarding required identification for the purchase of alcohol. The Appeal Tribunal held that the claimant was discharged for simple misconduct connected to the work, under N.J.S.A. 43:21-5(b). After consideration, the Board voted to reverse the decision of the Appeal Tribunal and hold that the claimant was not discharged for misconduct connected to the work. Ms. Matos will prepare the decision.

(b) 433,921

Ms. Zola presented this matter whether the employer's refusal to give the claimant a promised raise, constitutes good cause for leaving her employment. The Appeal Tribunal held the claimant voluntarily left her employment without good cause attributable to the work, in accordance with N.J.S.A. 43:21-5(a). The Board, after discussion, voted to reverse the decision of the Appeal Tribunal, holding that the claimant had good cause for leaving the employment. Ms. Zola will prepare the decision.

(c) 408,021

This matter, of whether the claimant, a tenured schoolteacher, was discharged for reasons which constitute misconduct connected to the work, was presented by Ms. Alverio. The Appeal Tribunal held the claimant was discharged for severe misconduct connected to the work and disqualified for benefits under N.J.S.A. 43:21-5(b). After consideration, the Board voted to remand the matter to the Appeal Tribunal for additional testimony and consideration of a prior decision by the Office of Administrative Law. Ms. Alverio will prepare the remand.

(d) 441,853

This matter, presented by Ms. Hart, is whether the claimant, who's refusal to stop performing services for a competitor of the employer, resulted in a discharge or a voluntary leaving, and whether the separation was for a disqualifying reason. The Appeal Tribunal held that the claimant voluntarily left her employment without good cause attributable to the work, in accordance with N.J.S.A. 43:21-5(a). The Board, after a discussion, voted to modify the decision of the Appeal Tribunal and hold that the claimant did not voluntarily leave her employment but was discharged for simple misconduct connected to the work, under N.J.S.A. 43:21-5(b).

There being no further business to transact, a motion was made by Mr. Sieber to adjourn the meeting. Mr. Yarbrough seconded the motion.

SUBMITTED FOR APPROVAL:

Joan B. Futterman
Acting Board Member

JBF:ldv